

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

CLINTON SOLAR LLC,	:	Case No. 1:23-cv-206
	:	Judge Matthew W. McFarland
Plaintiff,	:	
	:	
v.	:	
	:	
ROBERT E. STOLL, II, et al.,	:	
	:	
Defendants.	:	
	:	

**ORDER GRANTING IN PART DEFENDANTS' MOTION FOR TEMPORARY
LICENSE (Doc. 9)**

This matter is before the Court on Defendants' Motion for a Temporary License (Doc. 9). Plaintiff responded in opposition (Doc. 11), to which Defendants replied in support (Doc. 12). Thus, this matter is ripe for review. For the reasons discussed below, Defendants' motion is **GRANTED IN PART**.

On April 14, 2023, Plaintiff filed a Verified Complaint (Doc. 1) alleging that the parties entered into an Agreement that, in relevant part, provided Plaintiff with an irrevocable, sole, and exclusive right and option to purchase the property owned by Defendants. (Compl., Doc. 1, Pg. ID 3.) The property is located at State Route 350, Martinsville, Ohio 45146 in Clinton County. (Motion for License, Doc. 9, Pg. ID 222.) Plaintiff additionally filed a Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. 2), seeking a temporary restraining order and preliminary injunction preventing Defendants from selling, conveying or otherwise transferring the property in

question to any other person or entity. (Motion for Injunctive Relief, Doc. 2, Pg. ID 96.) Plaintiff also sought a permanent injunction ordering Defendants to close on the option transaction with Plaintiff for the purchase of the property in question. (*Id.*)

Prior to a ruling on Plaintiff's motion, the parties informed the Court that a resolution in this matter had been reached. The parties closed on the property in mid-June. (Motion for License, Doc. 9, Pg. ID 223.) However, Defendants were unable to remove all equipment and personal property immediately. (*Id.*) Defendants now seek a temporary license through August 31, 2023 that would allow Defendants to enter the property to obtain the equipment and personal property. (*Id.* at 224.) Plaintiff states that it would not oppose a temporary license through July 31, 2023. (*Id.* at 230.)

Based on the circumstances of this case and in the spirit of resolution, Court **GRANTS** Defendants' Motion for a Temporary License **IN PART**. The Court **ORDERS** the following:

1. Defendants shall have a temporary license to enter the real estate located at State Route 350, Martinsville, Ohio 45146 in Clinton County;
2. Such temporary license is valid through August 15, 2023 at 11:59 PM;
3. Defendants shall provide Plaintiff 72 hours' notice of the need to access the real estate;
4. Defendants bear the costs of any damage to the real estate or its structures relating to the removal of Defendants' equipment or personal property;
5. Defendants hold Plaintiff harmless from any injury to themselves or their agents that result from, or are associated with, the removal of Defendants' personal

property; and

6. Defendants shall reimburse Plaintiff for the removal of any personal property Defendants leave behind.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. MCFARLAND